HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.25394 of 2007

Dated:13-12-2007

Between:

Meka Srinivas and Others.

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AND

The State of A.P., rep by
District Collector, East Godavari,
Kakinada.
And others.

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Counsel for the petitioners : Sri M.Sivananda Kumar.

Counsel for Respondent Nos.1 & 3 : A.G.P.for Municipal Admn.,

Counsel for Respondent No.2 : Sri S.Nageswar Reddy

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25394 of 2007

O R D E R:

This writ petition is filed for a writ of mandamus to direct the respondents and others claiming through them not to dump garbage in the tank situated in R.S.No.877/1 of Mandapeta Municipality, East Godavari district.

At the hearing, Sri S.Nageshwar Reddy, learned counsel for respondent No.2 read out the instructions sent by the Commissioner of respondent No.2 Municipality in which it is stated that the area in dispute is full of water and that when there was a proposal made to use the said area for dumping of garbage after removing the entire water, the villagers have represented not to convert the water tank into a garbage dump, and that in view of the same they have not proceeded further.

From the above-mentioned facts it is clear that there is no dispute that the land to an extent of Ac.3.82 cents in survey No.877/1 of Mandapeta Municipality is a tank. It is the responsibility of the respondents to preserve the water bodies in order to save the environment and ecology. (See **Intellectual Forum, Thirupathi Vs. State of A.P., and Others**[1])

Since it is admitted that the tank is in existence, the respondents cannot convert the same into a dumping yard. The writ petition is therefore, allowed and the respondents are restrained from converting the water tank situated in survey No.877/1 of Mandapeta Municipality into a dumping yard. Ordered accordingly.

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C.V.NAGARJUNA REDDY,J

Date:13.12.2007
mdaa

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[1] AIR 2006 SC 1350